

RECEIVED
CENTRAL FAX CENTER

003/012

DEC 30 2005

Doc Code: AP.PRE.REQ

PTO/SB/83 (07-05)

Approved for use through 04/30/2006. OMB 2055-0102
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) TS01-285	
<p>I hereby certify that this correspondence (and anything referred to as being transmitted herewith) is being facsimile transmitted to the United Patents & Trademark Office (Fax No. 671-273-8300) on the date, shown below</p> <p>on <u>December 30, 2005</u></p> <p>Signature <u>Maria E. Provencio</u></p> <p>Typed or printed <u>Maria E. Provencio</u> Name _____</p>		Application Number 09/934,549	Filed 08/23/2001
		First Named Inventor Lin Cheng	Art Unit 3637
		Examiner Hanh Van Tran	

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

RECEIVED

JAN - 9 2006

TECH CENTER 1600/2900

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

attorney or agent of record. 36,593
Registration number _____

attorney or agent acting under 37 CFR 1.34.
Registration number _____ _____



Mark J. Marcelli

Typed or printed name

619-744-2243

Telephone number

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.0. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and any suggestions for reducing this burden should be directed to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Appl. No. 09/934,549
 Pre-Appeal Brief Request for Review
 Brief filed 12/30/2005

Attorney Docket No.: TS01-285
 N1085-90132

RECEIVED
 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE CENTRAL FAX CENTER

In re application of: Lin Cheng

Examiner: Hanh Van Tran DEC 30 2005

Serial No.: 09/934,549

Group Art Unit: 3637

Filed: 08/23/2001

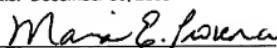
Confirmation No.: 9167

For: RETICLE BOX TRANSPORT CART

I hereby certify that this correspondence (and anything referred to as being transmitted herewith) is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571-273-8300) on the date shown below.

Mail Stop AF
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

Date: December 30, 2005


 Maria E. Provencio

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

5 PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This Pre-Appeal Brief Request for Review is being filed along with a Notice of Appeal and in response to the final Office action dated July 29, 2005 and the Advisory action mailed November 1, 2005. A Petition for a 1-month Extension of Time and the appropriate fee, are filed herein.

10 I. Arguments

Claims 1-2 and 4-7 are not subject to rejection under 35 USC § 103(a).

In Paragraph 9 of the subject Office Action, claims 1-2 and 4-7 were rejected under 35 USC § 103(a) as being unpatentable over USP 4,999,671 to Iizuka in view of

RECEIVED
 JAN - 9 2006
 TECH CENTER 1600/2000

Appl. No. 09/934,549
Pre-Appeal Brief Request for Review
Brief filed 12/30/2005

Attorney Docket No.: TS01-285
N1085-90132

Germany 4,330,434 to Nolke and Germany 3,917,874 to Seibert, et al, hereinafter "Seibert". Applicants respectfully submit that these claim rejections are improper and the claims are not obvious in view of the references because the references provided by the Examiner do not teach or suggest the features that are claimed and which the

5 Examiner contends the references teach or suggest.

The rejected claim set includes independent claims 1 and 4. Independent claim 1 recites the features of:

"shock absorbers"

10 "cushioning units being arranged over the surface of said component box support units"; and

the component box supports being inclined with respect to the lower plane of the transport cart; i.e., "(4) a cross section between a plane comprising said Y and Z axis and said plane of said component box support units forming a line, said line being parallel with a line created by rotating said 15 positive Y direction in a clockwise direction when facing said plane comprising said Y and Z axis, said rotation being over a displacement of degrees of rotation;"

Similarly, independent claim 4 recites the features of "shock absorbers";

20 "cushioning units"; and the "component box support units being mounted in a plane, said plane of said component box support units slanting in a downward direction with respect to a plane of said platform".

The claimed invention is distinguished from the references of record due to the aforementioned features. The reference of Iizuka does not disclose or suggest

25 a) shock absorbers,
b) cushioning units, or
c) the plane of the box support units inclined or slanting in a downward direction with respect to the plane of the platform of the component transport cart.

30 Iizuka, in fact, does not disclose any **shock absorbers**. No mention is made of shock absorbers in Iizuka and the Examiner has not pointed out any particular feature alleged to be a shock absorber. The Examiner merely states "Iizuka discloses a component transport cart comprising all the elements recited in the above claims

Appl. No. 09/934,549
Pre-Appeal Brief Request for Review
Brief filed 12/30/2005

Attorney Docket No.: TS001-285
N1085-90132

including . . . (5) shock absorbers being mounted between the wheels and the bottom surface of the upper portion" July 29, 2005 Office Action, page 4, lines 8-14. Applicants disagree and point out that Iizuka does not illustrate or suggest shock absorbers. The Examiner does not and cannot identify a particular feature that is a shock absorber-
5 because such is not present in Iizuka. Moreover, the German reference of Nolke further does not disclose or suggest shock absorbers. Nolke simply provides a superstructure (1) that is detachably mounted over a chassis. The chassis and superstructure are not fixedly connected to one another in Nolke. Nolke discloses that the superstructure is secured in the chassis against lateral shifting by means of fixing projections, recesses 10 and shoulders. Nolke makes no suggestion of the described mobile cabinet having shock absorbers. The Examiner does not suggest that the reference of Seibert discloses shock absorbers. Seibert, in fact, does not disclose shock absorbers.

Independent claims 1 and 4 are not subject to rejection as being obvious under 35 USC § 103(a) because the references offered by the Examiner do not teach or 15 suggest the claimed feature of a shock absorber. Independent claims 1 and 4 are distinguished from the references of Iizuka in view of Nolke and Seibert.

Each of independent claims 1 and 4 also recites the feature of cushioning units and neither of the references of Iizuka, Nolke, or Seibert disclose or suggest cushioning units. Applicants respectfully disagree with the Examiner's characterization of Iizuka's:
20 "cushioning units 23, 25", arranged over the surface of the component support units. Features 23 and 25 of Iizuka are clearly ROLLERS; not cushioning units. Applicants respectfully submit that rollers are not inherently cushioning units: in fact; they are clearly distinguished. The Examiner has not offered any evidence to support his apparent position that rollers are a cushioning unit. In fact, Iizuka takes time to provide 25 rather detailed descriptions of his arrangement and makes no suggestion that roller arrays 23 and 25 serve any other purpose: "arrangement for detachably holding each cassette holder 5 includes arrays of rolls 23 and 25; a moveable frame 24 for supporting the roller arrays 23 and 25; a library housing portion 26 which functions also as a guide rail; a stopper mechanism 27 mounted on the frame 24 and operable to prevent jounce

Appl. No. 09/934,549
Pre-Appeal Brief Request for Review
Brief filed 12/30/2005

Attorney Docket No.: TS01-285
N1085-90132

of the cassette holder 5 within the library; a role 28; and a stopper 29 operable to hold the cassette holder" lizuka, column 8, lines 14-21. Jouncing is prevented because the cassette holder 5 ROLLS over the roller array 23, 25, not because it is cushioned by it. The claimed cushioning units of claims 1 and 4 thereby distinguish Applicant's 5 invention from the reference of lizuka. The Examiner has not upheld the burden of providing a reference that discloses or suggests the claimed feature of "cushioning units". The German references of Nolke and Seibert do not make up for this deficiency of lizuka as they do not disclose or suggest cushioning units as apparently conceded by the Office Action which does not allege that Nolke or Seibert teach or suggest 10 cushioning units. Therefore, claims 1 and 4 are further distinguished from the references of lizuka, Nolke, and Seibert, taken alone or in combination.

Each of independent claims 1 and 4 also recite the feature that the box supports are inclined with respect to the lower plane of the transport cart, this feature pointed out using different claim language as reproduced above. The downward slant secures the 15 reticle box in position and provides the advantage of a reduced likelihood that boxes will slide out of the moveable cart during transport. The references of lizuka, Nolke and Seibert, do not disclose or suggest this feature as apparently conceded by the Examiner by the absence of any allegation that either lizuka, Nolke or Seibert teach or suggest 20 this advantageous feature, alone or in combination. Independent claims 1 and 4 are therefore further distinguished from the references of lizuka, Nolke and Seibert, taken alone or in combination.

Claims 1 and 4, and also dependent claims 2 and 5-7, are therefore not subject to rejection as claims 1-2 and 4-7 are in allowable form.

In paragraph 10 of the Office Action, claims 3 and 8 were rejected under 35 25 U.S.C. § 103(a) as being unpatentable over lizuka, as modified and applied to claims 1 and 4 and further in view of U.S. Patent 6,421,113 to Armentrout. Applicants submit that claims 3 and 8 are not subject to rejection under 35 USC § 103(a) because they

Appl. No. 09/934,549
Pre-Appeal Brief Request for Review
Brief filed 12/30/2005

Attorney Docket No.: TS01-285
N1085-90132

incorporate distinguishing features neither taught nor disclosed by the identified references.

Claims 3 and 8 depend from claims 1 and 4, respectively, which are distinguished from Iizuka for reasons set forth above. The cited reference of Armentrout 5 has apparently been relied upon for teaching that it is well known in the reticle carrier industry/field to manufacture the reticle carrier using Anti-Electrostatic Discharge materials in order to prevent ESD damage to the reticle. Armentrout therefore does not make up for the above-stated deficiencies of Iizuka and therefore the rejection of claims 10 3 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Iizuka in view of Armentrout is improper. Claims 3 and 8 are also in allowable form.

II. Conclusion

Applicants submit that this case is appropriate for a pre-appeal brief conference as there are clear legal deficiencies in the obviousness rejections set forth in the Office Action. The Examiner does not contend that it would be obvious to add features 15 deficient from the references but, rather, that the references include such features. Applicants respectfully traverse. The claims contain features not taught or suggested by the references provided by the Examiner. A pre-appeal brief conference is therefore requested and allowance of this application is earnestly solicited.

The Assistant Commissioner for Patents is hereby authorized to charge any fees 20 or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,



Mark J. Marcelli, Reg. No. 36,593
Attorney for Applicant

25 Dated: 30 DECEMBER 2005
DUANE MORRIS LLP
101 West Broadway, Suite 900
San Diego, CA 92101
30 Telephone: (619) 744-2200
Facsimile: (619) 744-2201